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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEE-RAY TARANTINO CO., INC., d/b/a
GOLDEN STATE PRODUCE CO.

Plaintiff

v.

THEODORAS KOLIATISIS, d/b/a/
4TH & GEARY FARMERS MARKET

Defendant

Civil Action No:

APPLICATION FOR
PRELIMINARY INJUNCTION

I. APPLICATION

Upon the verified affidavit of Michael Lai, the controller for Lee-Ray Tarantino Co., Inc., d/b/a Golden State Produce Co. and the accompanying memorandum of points and authorities in support, plaintiff hereby moves the Court to issue a temporary restraining order under Rule 65 of the Federal Rules of Civil Procedure enforcing the statutory trust pursuant to Section 5(c) of the Perishable Agriculture Commodities Act, 7 U.S.C. §499e(c), by restraining the transfer of any and all assets of Theodoras Koliatsis,

Application for Preliminary Injunction

1 d/b/a 4th & Geary Farmers Market, until there is payment to plaintiff of \$328,344.36,
2 pending the entry of a Preliminary Injunction Order.

3
4 **II. GROUNDS**

5 This application is made pursuant to Rule 65 of the Federal Rules of Civil
6 Procedure. As set forth more fully in the accompanying Memorandum of Points and
7 Authorities, defendant is in violation of its obligations as a trustee under the statutory
8 trust provisions of the PACA for failing and continuing to fail to preserve PACA trust
9 assets and to pay plaintiff for the produce supplied.
10

11 **III. DOCUMENTS**

12 The relief requested is based on this Application, the accompanying
13 Memorandum of Points and Authorities, the verified declaration of Michael Lai, the
14 controller for plaintiff, the proposed Order, the documents on file in his action, and such
15 other evidence as may be presented to the Court at the hearing on this matter.
16

17 Dated this 9th day of November, 2007

18 DUDNICK, DETWILER, RIVIN & STIKKER, LLP
19

20 By: William C. Wilka
21

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